

REMARKS

Claims 1 through 4, 6 through 14 and 16 through 21 and 23 through 26 are pending.

Claims 5, 15 and 22 have been canceled.

Claims 1, 10, 19 and 25 have been amended.

Claims 5, 10, 15, 19, 22 and 25 have been objected to.

Claims 1 through 11 have been rejected under 35 U.S.C. § 101.

Claims 1 through 26 have been rejected under 35 U.S.C. § 103 (a).

Objections to Claims

Examiner has objected to claims 5, 10, 15, 19, 22 and 25 as failing to further limit the subject matter of a previous claim. Applicant has canceled claims 5, 15 and 22. Applicant has amended claims 10, 19 and 25 to emphasize the subject matter different from that set out in the parent claim.

Rejection under 35 U.S.C. § 101

Examiner has rejected claims 1 through 11 under 35 U.S.C. § 101, asserting that the claimed invention is directed to non-statutory subject matter. Applicant has amended claim 1.

When determining whether a claim fulfils the requirements of 35 U.S.C. § 101, it is not sufficient to evaluate the elements of the claim separately. Rather, when determining whether a claim fulfils the requirements of 35

U.S.C. § 101 it is necessary to consider the claim as a whole, including the preamble and all the elements. The preamble of each of the claims 1 through 11 recites that a server computing system is being claimed. This is sufficient to satisfy the very low threshold for patentability under 35 U.S.C. § 101.

Nevertheless, to resolve the issue, Applicant has amended claim 1 to indicate the application runs on hardware within the server computing system.

Rejections under 35 U.S.C. § 103(a).

Examiner has rejected claims 1 through 3, 5 through 10, 12 through 19 and 21 through 25 under 35 U.S.C. § 103 (a) as being unpatentable over USPN 6,237,005 (Griffin) in view of USPAP 2004/0064515 (Hockey).

Examiner has rejected claims 4, 11, 20 and 26 under 35 U.S.C. § 103 (a) as being unpatentable over Griffin in view of Hockey in view of USPN 6,026,413 (Challenger).

Applicant respectfully traverses the rejection of the claims and requests reconsideration. Below, Applicant sets out subject matter in each of the independent claims not disclosed or suggested by the cited art. In view of this, Applicant believes all the claims are patentable over the cited art.

Independent Claim 1:

Independent claim 1 sets out a server computing system that includes an application. The application includes a persistent process that generates dynamic and interactive hypertext markup language (HTML) content for the

application. The persistent process performs background processing when no client requests are pending, the background processing including caching in memory. This is not disclosed by Griffin, Hockey or Challenger.

Griffin discloses a web server mechanism for processing multiple transactions in an interpreted language executed environment. Griffin does not disclose or suggest that a persistent process performs background processing when no client requests are pending, where the background processing includes caching in memory, as set out in claim 1.

Particularly, Griffin does not disclose any persistent process performing background processing when no client requests are pending. Examiner has cited Griffin at column 15 lines 41-48. There, Griffin indicates that master interpreter 1002 has a persistent nature. However, Griffin at column 15 lines 41-48 does not disclose or suggest that master interpreter 1002 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 1 of the present.

In fact, Griffin teaches the opposite. For example, Figure 6 of Griffin is a flow diagram that shows functions of the master interpreter of Griffin. See column 4, lines 57 through 59.

As shown by Figure 6, during an initial state 540, the master interpreter 510 listens for a transaction request message to arrive (step 610). See Griffin at column 9, lines 18 through 26. After the transaction, the master interpreter 510 re-enters the initial state 540 and begins to listen for any other transaction request messages (step 610). See Griffin at column 9, lines 57 through 60. Thus,

Griffin teaches that between transactions, master interpreter 510 merely listens for a next transaction request message to arrive. Griffin does not disclose or suggest that master interpreter 510 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 1 of the present case.

Additionally, Griffin never even brings up the issue of caching. Griffin does not disclose or suggest that caching is performed by any process at any time. It is clear therefore that there is no disclosure or suggestion in Griffin that master interpreter 510 performs caching in memory as part of background processing when no client requests are pending.

Hockey's discussion of caching

Hockey discloses monitoring electronic mail message digests. Hockey discloses that e-mail messages sent over a seven day time span are stored in a cache memory 306 to reduce processing time when monitoring e-mails. This use of a cache by Hockey appears to have no relevance or application to the subject matter of Griffin or of the present case.

Examiner cites Hockey at paragraph 104 as disclosing the performance of background processing including caching in memory. This is an incorrect interpretation of paragraph 104 of Hockey. In paragraph 104, Hockey discloses that background tasks include transferring older hashes out of cache memory and onto disk whilst waiting for further messages to arrive. However, this section of Hockey only discloses information being removed from a cache and

does not disclose when information is cached in memory. Presumably caching of e-mails into memory occurs as each e-mail is read and not as a background task.

Combination of Griffin and Hockey

Hockey discloses transferring older hashes out of cache memory and onto disk whilst waiting for further messages to arrive. A person of ordinary skill in the art would have no motivation to add this subject matter into Griffin. In Griffin there is no discussion of cache memory and no reason to move older hashes out of cache memory. Since Griffin does not concern monitoring of e-mail message digests, nothing in Hockey would motivate a person of ordinary skill in the art to modify Griffin to add caching in memory as part of background processing when no client requests are pending, as set out in claim 1 of the present case.

In the Specification of the present case, it is taught that persistent process 40 can build large memory caches that never need to be destroyed because persistent process 40 typically does not need to shut down. This allows persistent process 40 to manipulate large amounts of data quickly and efficiently for incoming requests. See the Specification at page 10, lines 8 through 12. This motivation to perform caching is not found in Griffin and Hockey, but only in Applicant's Specification. Outside of Applicant's Specification, Examiner has presented no motivation by which a person of ordinary skill in the art would be motivated to modify Griffin to add caching in

memory as part of background processing when no client requests are pending, as set out in claim 1 of the present case.

Independent Claim 12:

Independent claim 12 sets out a computer-implemented method. In step (a) of claim 12, a persistent process that generates dynamic and interactive hypertext markup language (HTML) content for an application is run. The persistent process performs background processing when no client requests are pending. The background processing includes caching in memory. This is not disclosed by Griffin, Hockey or Challenger.

As discussed above, Griffin discloses a web server mechanism for processing multiple transactions in an interpreted language executed environment. Griffin does not disclose or suggest that a persistent process performs background processing when no client requests are pending, where the background processing includes caching in memory, as set out in claim 12.

Particularly, Griffin does not disclose any persistent process performing background processing when no client requests are pending. In fact, Griffin teaches the opposite. For example, Figure 6 of Griffin is a flow diagram that shows functions of the master interpreter of Griffin. See column 4, lines 57 through 59.

As shown by Figure 6, during an initial state 540, the master interpreter 510 listens for a transaction request message to arrive (step 610). See Griffin at column 9, lines 18 through 26. After the transaction, the master interpreter 510

re-enters the initial state 540 and begins to listen for any other transaction request messages (step 610). See Griffin at column 9, lines 57 through 60. Thus, Griffin teaches that between transactions, master interpreter 510 merely listens for a next transaction request message to arrive. Griffin does not disclose or suggest that master interpreter 510 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 12 of the present case.

Additionally, Griffin never even brings up the issue of caching. Griffin does not disclose or suggest that caching is performed by any process at any time. It is clear therefore that there is no disclosure or suggestion in Griffin that master interpreter 510 performs caching in memory as part of background processing when no client requests are pending.

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and onto disk whilst waiting for further messages to arrive. However, this section of Hockey only discloses information being removed from a cache and does not disclose when information is cached in memory. Presumably caching of e-mails into memory occurs as each e-mail is read and not as a background task.

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Independent Claim 21:

Independent claim 21 sets out storage media that stores a computer application. The computer application, when executed on a computing system comprises a persistent process that generates dynamic and interactive hypertext markup language (HTML) content for the computer application. The persistent process performs background processing when no client requests are pending, the background processing including caching in memory. This is not disclosed by Griffin, Hockey or Challenger.

As discussed above, Griffin discloses a web server mechanism for processing multiple transactions in an interpreted language executed environment. Griffin does not disclose or suggest that a persistent process performs background processing when no client requests are pending, where the background processing includes caching in memory, as set out in claim 21.

Particularly, Griffin does not disclose any persistent process performing background processing when no client requests are pending. In fact, Griffin teaches the opposite. For example, Figure 6 of Griffin is a flow diagram that shows functions of the master interpreter of Griffin. See column 4, lines 57 through 59.

As shown by Figure 6, during an initial state 540, the master interpreter 510 listens for a transaction request message to arrive (step 610). See Griffin at column 9, lines 18 through 26. After the transaction, the master interpreter 510 re-enters the initial state 540 and begins to listen for any other transaction

request messages (step 610). See Griffin at column 9, lines 57 through 60. Thus, Griffin teaches that between transactions, master interpreter 510 merely listens for a next transaction request message to arrive. Griffin does not disclose or suggest that master interpreter 510 performs background processing when no client requests are pending, where the background processing includes caching in memory, as required by claim 21 of the present case.

Additionally, Griffin never even brings up the issue of caching. Griffin does not disclose or suggest that caching is performed by any process at any time. It is clear therefore that there is no disclosure or suggestion in Griffin that master interpreter 510 performs caching in memory as part of background processing when no client requests are pending.

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Conclusion

Applicant believes that the present case is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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